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In re Application of :
SCHNEIDER et al. :
Application No.: 10/588,809 : DECISION
PCT No.: PCT/EP2005/001434 :
Int. Filing Date: 12 February 2005 :
Priority Date: 16 February 2004 :
Attorney Docket No.: BASF.10165WOUS :
For: FORMULATION FOR SEED TREATMENT :
COMPRISING POLYMERIC STICKERS :

This decision is in response to applicants' submission filed 28 June 2007, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 12 February 2005, applicants filed international application PCT/EP2005/001434, which designated the United States and claimed a priority date of 16 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 August 2006.

On 09 August 2006, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 30 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 28 June 2007, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 09 August 2006 applicants filed a declaration of inventors. The proof is in the form of the copy of the receipt for

the above-identified application which bears a USPTO date stamp of 09 August 2006 and which itemizes an "Executed Declaration/Power of Attorney" and identifies the above-captioned docket number, applicants, and title. Further, practitioner states that the copy of the declaration filed 28 June 2007 is a copy of the declaration originally filed 09 August 2006. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 28 June 2007 may properly be accepted as originally received in the USPTO on 09 August 2006. The NOTIFICATION OF MISSING REQUIREMENTS mailed 30 April 2007 is hereby vacated.

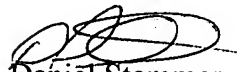
The declaration filed 09 August 2006 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 30 April 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



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